IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9552 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

MANISHA MADHUSOODAN KAKKAD THRO.P.O.A. MADHUSOODAN KAKKAD

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 9552 of 2004

MR UMANG K CHOKSI for Petitioner No. 1

MR M R MENGDEY AGP for Respondent No. 1-4

NOTICE SERVED for Respondent No. 4

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 13/09/2004

ORAL JUDGEMENT

1.0 By way of this petition, the petitioner has

challenged the order of respondent no.4, Dy. Collector, Ahmedabad, dated 22/04/2002, at Annexure `E' to the petition, whereby the respondent authority had passed the aforesaid order without considering the reply of the petitioner i.e. in the form of a printed order.

2.0 The order passed by the respondent authority is required to be quashed only on the ground that the order was passed in a printed form. It was passed without considering the reply of the petitioner.

3.0 Hence, the petition is partly allowed. Respondent no.4, Dy. Collector, is directed to hear the matter afresh and to pass a reasoned order, after considering the reply of the petitioner. The order of the respondent authority has been quashed only on the aforesaid ground and the Court has not gone into the merits of the matter. Therefore, the respondent authority may not be influenced of the fact that the Court has quashed its order on merits. With the aforesaid observations and directions, the petition stands disposed of. Rule is made absolute to the aforesaid extent.

(K. S. Jhaveri, J.)

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